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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,864	01/28/2002	Steven John Baumgartner	ROC920010364US1	3631

7590 12/03/2003

Leslie J. Payne
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3605 Highway 52 North
Rochester, MN 55901

EXAMINER

NGUYEN, DUNG T

ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/058,864	BAUMGARTNER, STEVEN JOHN	
	Examiner	Art Unit	
	Dung (Michael) T Nguyen	2828	

-- **Th MAILING DATE** f this communication appears on th cover sh et with the correspond nc address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.


- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.


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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsujikawa et al. (US2002/0014849) in view of Garringer et al. (US4377843).

With respect to claims 1-5 and 12, Tsujikawa show in Fig.1 an optical circuit including a laser diode and a monitor diode coupled to the APC loop (1, 2, 6, 7, 8, and 9) and a bias generator circuit 3 (current mirror portion 3) for generating a control signal. Tsujikawa do not disclose a tri-state receiver. Garringer teach a tri-state receiver 45 (fig.2 and claim 5). For the benefit of an optical margin testing system for an APC loop, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Tsujikawa a tri-state receiver as taught by Garringer.

With respect to claims 6 and 13, Tsujikawa show in Fig.1 the APC loop applying a bias current to the laser diode.

With respect to claims 8 and 15, Tsujikawa show in Fig.1 an input current generating circuit coupled to the current mirror.

With respect to claims 9-10 and 16-17, Tsujikawa show in Fig.1 a variable resistor.

With respect to claims 11 and 18, Tsujikawa show in Fig.1 an operational amplifier 55 coupled to the variable resistor.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsujikawa et al. (US2002/0014849) in view of Garringer et al. (US4377843) and further in view of Taguchi (US2003/0052250). Tsujikawa and Garringer disclose all limitations of the claims except for the monitor diode providing a feedback current to the APC. Taguchi teaches the monitor diode 2 providing a feedback current to the APC 4 (Fig.1). For the benefit of controlling the laser diode, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Tsujikawa and Garringer the monitor diode providing a feedback current to the APC as taught by Taguchi.

Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (703) 305-7159. The examiner can normally be reached on 8:30 - 17:00.

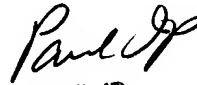
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

Nguyen (Michael) Dung


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